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Himanshu S. Amin
Amin & Turocy, LLP
National City Center, 24 Floor
1900 East 9th Street
Cleveland, OH 44114

EXAMINER	
EWART, JAMES D	

ART UNIT	PAPER NUMBER
2683	3

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/034,508	BELLOWS, DAVID E.	
	Examiner	Art Unit	
	James D Ewart	2683	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE ____ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-29* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-29* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *2*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

1. The term "generally" in claims 1 and 3 are relative terms which renders the claim indefinite. The term "generally" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention.

2. Claim 13 recites the limitation "the charging components". There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 1,2,3,5,6,16,17,18,20 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ooe (U.S. Patent No. 5,659,887) in view of Shawver (U.S. Patent No. 5,996,956).

Referring to claim 1, Ooe teaches a storage system for a hand-held device (Figure 3), comprising: a housing having a base and at least two sidewalls extending generally perpendicular from the base (Figure 3), the housing extending between two ends spaced apart from each other (Figure 3); an axis extending from one end of the housing to the other (Figure 3), the housing having an opening at one of the ends dimensionally configured to receive the hand held device along a direction generally parallel to the axis (Figure 3), but does not teach a latch located near the opening, the latch having an upper surface movable relative to the base between a first position and a second position; in the first position, the upper surface being generally planar to the base to facilitate insertion and removal of the hand-held device; in the second position, the upper surface being spaced from the base in a direction that the sidewalls extend from the base. Shawver teaches a latch located near the opening, the latch having an upper surface movable relative to the base between a first position and a second position; in the first position, the upper surface being generally planar to the base to facilitate insertion and removal of the hand-held device; in the second position, the upper surface being spaced from the base in a direction that the sidewalls extend from the base (Figure 2;14 and Column 3, Line 67 to Column 4, Line 2). Therefore at the time the invention was made, it would have been obvious to a person of ordinary skill in the art to combine the art of Ooe with the teaching of Shawver of a latch located near the opening, the latch having an upper surface movable relative to the base between a first position and a second position; in the first position, the upper surface being generally planar to the base to facilitate insertion and removal of the hand-held device; in the second position, the upper surface being spaced from the base in a direction that the sidewalls extend from the base to removably secure an electronic device to the front mounting surface (Column 2, Lines 9-10).

Referring to claim 18, Ooe teaches a method to facilitate storage of a hand held device (Figure 3), comprising: restricting movement of the hand held device in a housing according to multiple degrees of freedom (Figure 3; restricted in the –X,+X,-Y and +Y degrees of freedom); providing an opening in the housing to permit storage and removal of the device in the housing (Figure 3); but does not teach positioning a latch in front of the opening when storing the hand held device in order to mitigate device movement in a final degree of freedom; and depressing the latch when removing the device. Shawver teaches positioning a latch in front of the opening when storing the hand held device in order to mitigate device movement in a final degree of freedom; and depressing the latch when removing the device (Figure 3; 20 and Column 4, Line 12 -15). Therefore at the time the invention was made, it would have been obvious to a person of ordinary skill in the art to combine the art of Ooe with the teaching of Shawver positioning a latch in front of the opening when storing the hand held device in order to mitigate device movement in a final degree of freedom; and depressing the latch when removing the device to removably secure an electronic device to the front mounting surface (Column 2, Lines 9-10).

Referring to claim 29, Ooe teaches a cradle for storing a hand held device, comprising: a base unit to store the hand held device, the base unit having sidewalls to limit movement of the hand held device according to multiple degrees of freedom (Figure 5; restricted in the –X,+X,-Y and +Y degrees of freedom), but does not teach a latching component that limits movement of the hand held device in a final degree of freedom, the latching component having an upper surface movable relative to the base unit between a first position and a second position; in the fist position, the upper surface being generally planar to the base unit to facilitate insertion and

removal of the hand held device in a singular motion; in the second position, the upper surface being spaced from the base unit to mitigate shock and vibration of the hand held device. Shawver teaches a latching component that limits movement of the hand held device in a final degree of freedom (Figure 2; 12), the latching component having an upper surface movable relative to the base unit between a first position and a second position; in the fist position, the upper surface being generally planar to the base unit to facilitate insertion and removal of the hand held device in a singular motion (Figure 1; 12); in the second position, the upper surface being spaced from the base unit to mitigate shock and vibration of the hand held device (Figure 2; 12). Therefore at the time the invention was made, it would have been obvious to a person of ordinary skill in the art to combine the teaching of Ooe with the teaching of Shawver of using a latching component that limits movement of the hand held device in a final degree of freedom, the latching component having an upper surface movable relative to the base unit between a first position and a second position; in the fist position, the upper surface being generally planar to the base unit to facilitate insertion and removal of the hand held device in a singular motion; in the second position, the upper surface being spaced from the base unit to mitigate shock and vibration of the hand held device to removably secure an electronic device to the front mounting surface (Column 2, Lines 9-10).

Referring to claim 2, Shawver further teaches the upper surface of the latch is generally contoured in accordance to the shape of the hand held device to promote insertion and removal of the device (Figure 2; 14).

Referring to claim 3, Shawver further teaches the upper surface of the latch is generally contoured in the shape of a thumb (Figure 2; 14). Generally is a relative term.

Referring to claim 4, Shawver further teaches the latch is spring loaded to facilitate movement of the latch from the first position to the second position (Column 4, Lines 1-2).

Referring to claim 5, Ooe further teaches the housing is employed to mitigate shock and vibration of the hand held device in multiple degrees of freedom during storage of the device (Figure 3).

Referring to claims 6 and 20, Ooe further teaches the base further comprising of a mechanical compartment (Figure 6, 231) and an electrical compartment (Figure 6, 216), the electrical compartment providing an interface for the hand held device (Figure 6, 216), but does not teach the mechanical compartment providing an operating region for the latch. Shawver teaches the mechanical compartment providing an operating region for the latch. Therefore at the time the invention was made, it would have been obvious to a person of ordinary skill in the art to combine the art of Ooe with the teaching of Shawver of the mechanical compartment providing an operating region for the latch to removably secure an electronic device to the front mounting surface (Column 2, Lines 9-10).

Referring to claim 16, Ooe further teaches the base further comprising of one or more mounting studs to attach the storage system to at least one of a vehicle, a wall, and other object (Figure 3).

Referring to claim 17, Ooe further teaches the hand held device is at least one of an inventory system, a cell phone, and a hand held computer (Figure 3).

5. Claim 7,8,10,19 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ooe in view of Shawver and further in view of Desai et al. (U.S. Patent No. 6,344,727)

Referring to claim 7, Ooe further teaches the interface including circuitry adapted to transfer information from the hand held device to at least one of the base and a remote system, but does not teach a processor and associated memory to transfer data. Desai et al. teaches a processor and associated memory to transfer data (Figure 2). Therefore at the time the invention was made, it would have been obvious to a person of ordinary skill in the art to combine the teaching of Ooe and Shawver with the teaching of Desai et al. of a processor and associated memory to transfer data to charge and/or communicate the device connected to the charged device interface (Column 3, Lines 4-5)

Referring to claims 8, 10, 19 and 20, Ooe further teaches the base having one or more interface ports operatively coupled to the interface and adapted to communicate to the remote system (Figure 4; 16 and 25 and Column 3, Lines 7-9).

6. Claims 9,15 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ooe and Shawver and further in view of Derr et al. (U.S. Patent No. 6,634,494).

Referring to claims 9,15 and 24, Ooe teaches the electrical compartment and mechanical compartment, but does not teach being isolated via a sealing barrier and a grommet to mitigate contaminants being transferred. Derr et al. teaches being isolated via a sealing barrier and a grommet to mitigate contaminants being transferred (Column 1, Lines 50-58 and Column 8, Lines 7-29). Therefore at the time the invention was made, it would have been obvious to a person of ordinary skill in the art to combine the teaching of Ooe and Shawver with the teaching of Derr et al. of being isolated via a sealing barrier and a grommet to mitigate contaminants being transferred to provide a protective device with a water-tight and dust-tight environment (Column 1, Lines 46-47)

7. Claims 11, 12, 21 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ooe and Shawver and further in view of Weisshappel et al. (U.S. Patent No. 6,141,569)

Referring to claims 11,21 and 22, Ooe teaches the mechanical compartment but does not teach further comprising a storage compartment for storing at least one of a battery, a fuse, and a replacement component. Weisshappel et al. teaches a storage compartment for storing at least one of a battery, a fuse, and a replacement component associated with the hand held device (Column 2, Lines 50-58). Therefore, at the time the invention was made, it would have been obvious to a person of ordinary skill in the art to combine the teaching of Ooe and Shawver with the teaching of Weisshappel et al. a storage compartment for storing at least one of a battery, a fuse, and a replacement component for attaching an optional accessory, such as a rechargeable

battery pack, to a portable electronic device, such that the appearance of the portable electronic device is minimally affected when the optional accessory is not attached (Column 2, Lines 1-5).

Referring to claim 12, Weisshappel et al. further teaches the storage compartment including charging contacts for the battery (Column 2, Lines 2-3).

8. Claims 13, 14 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ooe, Shawver and Weisshappel et al. and further in view of Vance (U.S. Patent No. 6,389,302).

Referring to claim 13 and 23, Ooe, Shawver and Weisshappel et al. teach the limitations of claim 13, but do not teach the charging components are spring loaded to facilitate removal of the battery. Vance teaches the charging components are spring loaded to facilitate removal of the battery (Column 5, Lines 52-53). Therefore at the time the invention was made, it would have been obvious to a person of ordinary skill in the art to combine the teaching of Ooe, Shawver and Weisshappel et al. with the teaching of Vance of charging components are spring loaded to facilitate removal of the battery to provide a cost-effective and reliable vibrating unit which can be used with compact radiotelephone designs (Column 1, Lines 51-53).

Referring to claim 14, Ooe, Shawver and Weisshappel et al. teach the limitations of claim 14, but do not teach a spring loaded latch that cooperates with the charging contacts to facilitate insertion and removal of the battery. Vance teaches a spring loaded latch that cooperates with the charging contacts to facilitate insertion and removal of the battery (Column 7, Lines 44-45).

Therefore at the time the invention was made, it would have been obvious to a person of ordinary skill in the art to combine the teaching of Ooe, Shawver and Weisshappel et al. with the teaching of Vance of a spring loaded latch that cooperates with the charging contacts to facilitate insertion and removal of the battery to provide a cost-effective and reliable vibrating unit which can be used with compact radiotelephone designs (Column 1, Lines 51-53).

9. Claim 25 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ooe in view of Shawver in further view of Weisshappel et al.

Referring to claim 25, Ooe teaches a system to facilitate storage of a hand held device, comprising: means for restricting movement of the hand held device in multiple degrees of Freedom (Figure 3); means for permitting storage and removal of the hand held device in the housing (Figure 3), but does not teach means for latching the hand held device in order to mitigate device movement in a final degree of freedom; means for releasing the hand held device from storage. Shawver teaches latching the hand held device in order to mitigate device movement in a final degree of freedom; means for releasing the hand held device from storage (Figure 2; 12 and 20 and Column 3, Line 67 to Column 4, Line 2). Therefore at the time the invention was made, it would have been obvious to a person of ordinary skill in the art to combine the art of Ooe with the teaching of Shawver of latching the hand held device in order to mitigate device movement in a final degree of freedom; means for releasing the hand held device from storage to facilitate insertion and removal of the hand-held device to removably secure an electronic device to the front mounting surface (Column 2, Lines 9-10). Ooe and Shawver teach

the limitations of claim 25, but do not teach means for storing auxiliary components associated with the hand held device and means for removing the auxiliary component. Weisshappel et al. teaches means for storing auxiliary components associated with the hand held device and means for removing the auxiliary component (Column 2, Lines 50-58). Therefore at the time the invention was made, it would have been obvious to a person of ordinary skill in the art to combine the teaching of Ooe and Shawver with the teaching of Weisshappel et al. of means for storing auxiliary components associated with the hand held device and means for removing the auxiliary component for attaching an optional accessory, such as a rechargeable battery pack, to a portable electronic device, such that the appearance of the portable electronic device is minimally affected when the optional accessory is not attached (Column 2, Lines 1-5).

10. Claim 27 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ooe in view of Shawver and further in view of Derr et al.

Referring to claim 27, Ooe teaches a cradle for storing a hand held device, comprising: a base unit to store the hand held device (Figure 3); a mechanical compartment associated with the base unit (Figure 6; 231, latch), and an electrical compartment associated with the base unit and the mechanical compartment (Figure 6; 230), but does not teach the mechanical compartment housing a latching component that limits movement of the hand held device in a final degree of freedom. Shawver teaches the mechanical compartment houses a latching component that limits movement of the hand held device in a final degree of freedom (Figure 2; 14 and Column 3, Line 67 to Column 4, Line 2). Therefore at the time the invention was made, it would have been

obvious to a person of ordinary skill in the art to combine the teaching of Ooe with the teaching of Shawver wherein the mechanical compartment houses a latching component that limits movement of the hand held device in a final degree of freedom to removably secure an electronic device to the front mounting surface (Column 2, Lines 9-10). Ooe and Shawver teaches the limitations of claim 27, but does not teach isolating moisture from entering the mechanical compartment via at least one of an isolation barrier and a grommet. Derr et al. teaches isolating moisture from entering the mechanical compartment via at least one of an isolation barrier and a grommet (Column 1, Lines 50-58 and Column 8, Lines 7-29). Therefore at the time the invention was made, it would have been obvious to a person of ordinary skill in the art to combine the teaching of Ooe and Shawver with the teaching of Derr et al. of isolating moisture from entering the mechanical compartment via at least one of an isolation barrier and a grommet (Column 1, Lines 46-47). Therefore at the time the invention was made, it would have been obvious to a person of ordinary skill in the art to combine the teaching of Ooe and Shawver with the teaching of Derr et al. of isolating moisture from entering the mechanical compartment via at least one of an isolation barrier and a grommet to provide a protective device with a water-tight and dust-tight environment (Column 1, Lines 46-47)

11. Claim 28 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ooe, Shawver, and Derr et al. and further in view of Marin (U.S. Patent No. 4,935,742).

Referring to claim 28, Ooe, Shawver, and Derr et al. teach the limitations of claim 28, but do not teach the mechanical compartment further comprising one or more drainage ports to

exhaust the moisture that enters the compartment. Marin teaches a compartment further comprising one or more drainage ports to exhaust the moisture that enters the compartment. Marin teaches a compartment further comprising one or more drainage ports to exhaust the moisture that enters the compartment (Column 5, Lines 43-54). Therefore at the time the invention was made, it would have been obvious to a person of ordinary skill in the art to combine the art of Ooe, Shawver, and Derr et al. with the teaching of Marin a compartment further comprising one or more drainage ports to exhaust the moisture that enters the compartment to allow condensation inside the casing to drain (Column 5, Lines 46-47).

Conclusion

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Chen U.S. Patent No. 6,229,893 discloses universal hands-free receiver for a mobile telephone.

Frank U.S. Patent No. 6,002,765 discloses hands-free telephone cable.

Desai et al. U.S. Patent No. 6,344,727 discloses charger having a data store and data link.

Griffin U.S. Patent No. 5,754,962 discloses method and apparatus for indicating an operable or non-operable connection between a portable radio and a vehicle kit.

Hashimoto U.S. Patent No. 5,261,121 discloses portable radio transceiver system having improved adaptor and/or improved receiver signal control arrangement.

Ortscheid et al. U.S. Patent No. 6,208,734 discloses holding device for a communication kit.

Roussy et al. U.S. Patent No. 5,995,6622 discloses holder for a telephone handset, and assembly of a holder and a telephone handset.

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to James D Ewart whose telephone number is (703) 305-4826. The examiner can normally be reached on M-F 7am - 4pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Trost can be reached on (703)308-5318. The fax phone numbers for the organization where his application or proceeding is assigned are (703) 872-9306 for regular communications and (703) 872-9306 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)305-3900.

Ewart
July 27, 2004

WILLIAM TROST
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600